

IN THE DISTRICT/SUPERIOR COURT FOR THE STATE OF ALASKA  
AT ANCHORAGE

Carl Morgan

Plaintiff(s),

vs.

Costco Wholesale Company

Defendant(s).

CASE NO. 3AN-24-7591 C1

**SUMMONS AND  
NOTICE TO BOTH PARTIES  
OF JUDICIAL ASSIGNMENT**

To Defendant: Costco Wholesale Company

You are hereby summoned and required to file with the court a written answer to the complaint which accompanies this summons. Your answer must be filed with the court at 825 W. 4th Ave., Anchorage, Alaska 99501 within 20 days\* after the day you receive this summons. In addition, a copy of your answer must be sent to the plaintiff's attorney or plaintiff (if unrepresented) Jason Skala, whose address is:  
800 E. Dimond Blvd. Suite 3-305, Anchorage, AK 99515

If you fail to file your answer within the required time, a default judgment may be entered against you for the relief demanded in the complaint.

If you are not represented by an attorney, you must inform the court and all other parties in this case, in writing, of your current mailing address and any future changes to your mailing address and telephone number. You may use court form *Notice of Change of Address / Telephone Number* (TF-955), available at the clerk's office or on the court system's website at <https://public.courts.alaska.gov/web/forms/docs/tf-955.pdf> to inform the court. - OR - If you have an attorney, the attorney must comply with Alaska R. Civ. P. 5(i).

**NOTICE OF JUDICIAL ASSIGNMENT**

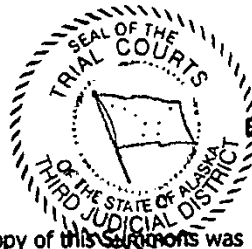
TO: Plaintiff and Defendant

You are hereby given notice that:

- ☒ This case has been assigned to Superior Court Judge Hartz and to a magistrate judge.
- ☐ This case has been assigned to District Court Judge \_\_\_\_\_

CLERK OF COURT

July 17, 2024  
Date



By: W. Walker  
Deputy Clerk

I certify that on 7/12/24 a copy of this summons was ☒ mailed ☐ given to  
☐ plaintiff ☒ plaintiff's counsel along with a copy of the  
☐ Domestic Relations Procedural Order ☐ Civil Pre-Trial Order  
to serve on the defendant with the summons.  
Deputy Clerk W. Walker

\* The State or a state officer or agency named as a defendant has 40 days to file its answer. If you have been served with this summons outside the United States, you also have 40 days to file your answer.

CIV-100 ANCH (10/17)(cs)  
SUMMONS

Civil Rules 4, 5, 12, 42(c), 55

**LAW OFFICE OF JASON SKALA, LLC**  
 800 E. Dimond Blvd., Suite 3-305  
 Anchorage, AK 99515  
 Tel: (907) 569-6633; Fax: (907) 569-6001

Jason Skala, *Esq.*  
 Law Office of Jason Skala, LLC  
 Jason@907attorney.com  
 Catherine@907attorney.com

Attorney for Plaintiff

**IN THE SUPERIOR COURT OF THE STATE OF ALASKA**  
**THIRD JUDICIAL DISTRICT AT ANCHORAGE**

CARL MORGAN,	)	
	)	
Plaintiff,	)	<b>COMPLAINT</b>
	)	
vs.	)	
	)	
COSTCO WHOLESALE	)	
CORPORATION,	)	
	)	
Defendant.	)	Case No. 3AN-24- <u>7591</u> CI

COMES NOW Plaintiff, Carl Morgan, an individual, by and through his attorney,  
 The Law Office of Jason Skala, LLC, hereby alleges and states as follows:

**I. PARTIES**

1. Plaintiff, Carl Morgan, an adult individual, was at all times relevant hereto an individual residing in the State of Alaska in the Third Judicial District at Anchorage; Mr. Morgan now lives in Aniak, Alaska.

2. Defendant, COSTCO WHOLESALE CORPORATION, a foreign business corporation under AS 10.06, is and at all times relevant hereto was the entity responsible for maintenance, inspection and safety of the building located at 4125 DeBarr Road,

Complaint for Damages  
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Anchorage, AK 99508-3115 where Plaintiff was injured in the Third Judicial District at Anchorage.

## **II. FACTUAL BACKGROUND**

4. At all times relevant hereto, COSTCO WHOLESALE CORPORATION owned and/or operated the building located at 4125 DeBarr Road, Anchorage, AK 99508-3115.

5. On or about July 18, 2022, Plaintiff was walking in Defendant's store on DeBarr, by the meat department, when because of an unnatural accumulation of substance that was unmarked, untreated and uncleaned and that created an unreasonably dangerous condition existing on the premises of which Defendant knew or should have known and of which Defendant had a reasonable opportunity to inspect and repair, slipped and fell. As a direct and proximate result of this fall Plaintiff sustained severe injuries to his person, including but not limited to a torn bicep to his left arm that required surgery.

## **III. NEGLIGENCE**

6. At all times relevant hereto, Defendant owed Plaintiff a duty of care to provide and maintain the premises in a reasonably safe, fit and habitable condition, to make all repairs and do whatever is necessary to put and keep said premises fit and habitable and to exercise reasonable care to discover and put and keep said premises fit and habitable and to exercise reasonable care to discover and remedy conditions which present an unreasonable risk of harm under the circumstances.

7. Defendant further owed Plaintiff a duty to hire competent and capable employees to perform any and all maintenance of its premises, including but not limited to inspection and remediation of any hazards that presented an unreasonable risk of harm under the circumstances. Plaintiff's presence on Defendant's property and his conduct on Defendant's property was foreseeable, as Defendant's store has customers invited to the area in which Plaintiff was injured so that people such as Plaintiff may purchase Defendant's products.

8. Defendants, individually and/or by and through their officers, agents, servants and/or employees breached their duties owed to Plaintiff. Said breaches by Defendants include but are not limited to: failing to maintain the premises in its DeBarr store in a fit and habitable condition, failing to make necessary repairs and/or do what is necessary to keep their premises fit and habitable, failure to exercise reasonable care to discover and remedy conditions which present an unreasonable risk of harm to Plaintiff under the circumstances, failing to hire competent and capable employees and/or failure to adequately train employees, and/or failure to adequately supervise employees assigned to maintain their property.

9. As a proximate and direct result of Defendant's breaches of their duties of care, Defendant caused Plaintiff to suffer, and Plaintiff continues to suffer, damages in excess of the jurisdictional minimum for the superior court in the Third Judicial District at Anchorage and as more specifically set forth below.

## DAMAGES

As a direct and proximate result of the negligent and/or reckless conduct of Defendant and any and all other negligence, violations of applicable law or culpable conduct which may be brought out in discovery or trial, Plaintiff has sustained injuries and damages which have resulted and/or may result in:

- (a) Past and future pain, suffering, inconvenience and mental anguish; including but not limited to permanent disability from the injuries to Plaintiff's shoulder, neck, back and hands;
- (b) Past and future medical expenses, including but not limited to at least one prior surgery;
- (c) Loss of work capacity;
- (d) Loss of enjoyment of life and diminished ability to enjoy other pursuits, including those having an economic value for themselves other than relating to earning capacity;
- (e) Other pecuniary and non-pecuniary damages, all of which damages exceed \$100,000, the exact amount to be proven at trial.

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WHEREFORE, Plaintiff prays for judgment as follows:

1. Compensatory damages in excess of \$100,000.00, the exact amount to be proven at trial;
2. Medical and incidental expenses;
3. Damages for pain and suffering;
4. Financial damages including lost income and lost business appreciation
5. Other damage items mentioned above;
4. Costs of complaint and attorney's fees;
5. Pre-judgment interest;

RESPECTFULLY SUBMITTED this 12th day of July 2024, at Anchorage, Alaska.

LAW OFFICE OF JASON SKALA, LLC.

/s/ Jason Skala

Jason Skala (ABN 0105031)  
Attorney for Plaintiff

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Jason Skala, *Esq.*  
 Law Office of Jason Skala, LLC  
 Jason@907attorney.com  
 Catherine@907attorney.com

Attorney for Plaintiff

**IN THE SUPERIOR COURT OF THE STATE OF ALASKA  
 THIRD JUDICIAL DISTRICT AT ANCHORAGE**

CARL MORGAN,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	
	)	
COSTCO WHOLESALE	)	
CORPORATION,	)	
	)	
Defendant.	)	Case No. 3AN-24-_____CI

**ENTRY OF APPEARANCE  
 & CONSENT TO SERVICE BY ELECTRONIC MAIL**

COMES NOW, Jason Skala of the Law Office of Jason Skala, with mailing address of 800 E. Dimond Blvd. Suite 3-305, Anchorage, AK 99515, phone number 907-569-6633, to enter his appearance as counsel of record for Plaintiff, Carl Morgan, in the above-captioned case. Plaintiff hereby consents to electronic service of documents in the above-captioned matter, on the condition that service is not effective unless made to all of the following addresses:

catherine@907attorney.com and  
 jason@907attorney.com .

Entry of Appearance  
 Page 1 of 2

LAW OFFICE OF JASON SKALA, LLC  
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Tel: (907) 569-6633; Fax: (907) 569-6001

RESPECTFULLY SUBMITTED this 12th day of July 2024, at Anchorage, Alaska.

LAW OFFICE OF JASON SKALA, LLC.

/s/ Jason Skala

Jason Skala (Alaska Bar No. 0105031)  
Attorney for Plaintiff

Entry of Appearance  
Page 2 of 2



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Jason Skala, *Esq.*  
Law Office of Jason Skala, LLC  
Jason@907attorney.com  
Catherine@907attorney.com

Attorney for Plaintiff

**IN THE SUPERIOR COURT OF THE STATE OF ALASKA  
THIRD JUDICIAL DISTRICT AT ANCHORAGE**

CARL MORGAN,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	
	)	
COSTCO WHOLESALE	)	
CORPORATION,	)	
	)	
Defendant.	)	Case No. 3AN-24-_____CI

**DEMAND FOR JURY TRIAL**

COMES NOW PLAINTIFF, Carl Morgan, by and through his counsel of record, the Law Office of Jason Skala, LLC, hereby requests a trial by jury in the above-captioned matter.

RESPECTFULLY SUBMITTED this 12th day of July 2024, at Anchorage, Alaska.

LAW OFFICE OF JASON SKALA, LLC.

/s/ Jason Skala

Jason Skala (Alaska Bar No. 0105031)  
Attorney for Plaintiff

Demand for Jury Trial  
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